

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KENYATTA CURSEY,

Plaintiff,

v.

Case No. 21-cv-0906-bhl

ZACHARY SCHROEDER,

Defendant.

DECISION AND ORDER

Plaintiff Kenyatta Cursey is representing himself in this 42 U.S.C. §1983 case. On October 7, 2022, the Court granted Defendant's motion for summary judgment and dismissed this case. Dkt. No. 62. On October 31, 2022, Cursey filed a motion for reconsideration. Dkt. No. 64.

Under Federal Rule of Civil Procedure 59(e), a party may move to alter or amend a judgment within 28 days of the entry of judgment. A Rule 59(e) motion may be granted only if a party can "clearly establish" either newly discovered evidence or a manifest error of law or fact warranting relief. *Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006) (citing *Romo v. Gulf Stream Coach, Inc.*, 250 F.3d 1119, 1122 n.3 (7th Cir. 2001), and *Bordelon v. Chicago Sch. Reform Bd. of Trs.*, 233 F.3d 524, 529 (7th Cir. 2000)). A "manifest error of law" "is not demonstrated by the disappointment of the losing party. It is the 'wholesale disregard, misapplication, or failure to recognize controlling precedent.'" *Oto v. Metropolitan Life Ins. Co.*, 224 F.2d 601, 606 (7th Cir. 2000) (quoting *Sedrak v. Callahan*, 987 F. Supp. 1063, 1069 (N.D. Ill. 1997)).

Cursey does not present any newly discovered evidence, nor does he assert that the Court made any error of law or fact. Cursey merely demonstrates his disappointment with the Court's decision by rehashing the arguments he raised in response to the summary judgment motion and disagreeing with how the Court applied the law to the facts of his case. But a party's disagreement with the Court's analysis is not a sufficient basis for granting a Rule 59(e) motion. Accordingly, the Court will deny Cursey's motion.

Finally, on November 7, 2022, Cursey filed a motion for an extension of time to file a notice of appeal. Dkt. No. 65. The Court will deny the motion as unnecessary. Under Fed. R. App. P. 4(a)(4)(A), the time for Cursey to appeal runs from the entry of the order disposing of his Rule 59 motion. Accordingly, no extension is necessary because Cursey has thirty days from the entry of this order to file his notice of appeal.

IT IS THEREFORE ORDERED that Cursey's motion for reconsideration (Dkt. No. 64) is **DENIED**.

IT IS FURTHER ORDERED that Cursey's motion for an extension of time (Dkt. No. 65) is **DENIED** as unnecessary.

Dated at Milwaukee, Wisconsin on November 10, 2022.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge